Steven L. Beshear Governor

Leonard K. Peters Secretary Energy and Environment Cabinet



Commonwealth of Kentucky **Public Service Commission**211 Sower Blvd.
P.O. Box 615

Frankfort, Kentucky 40602-0615

Telephone: (502) 564-3940

Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov David L. Armstrong Chairman

James W. Gardner Vice Chairman

Charles R. Borders Commissioner

March 18, 2010

Stites & Harbison PLLC Attention: Mark R. Overstreet 421 West Main Street P.O. Box 634 Frankfort, Kentucky 40602-0634

Re: Kentucky Power Company

Petition for Confidential Protection received 2/12/10

PSC Reference - Case No. 2009-00545

Dear Mr. Overstreet:

The Public Service Commission has received the Petition for Confidential Protection you filed on February 12, 2010 on behalf of Kentucky Power Company ("Kentucky Power") to protect certain information filed with the Commission as confidential pursuant to Section 7 of 807 KAR 5:001 and KRS 61.878. The information you seek to have treated as confidential is identified as information contained in its Responses to KIUC Questions 1-10, which includes contract pricing in the "Final Dash Report"; confidential bid information in the "KYPCO-2009 AEP 1100 MW Renewable Energy RFP Executive Update; Commission's Data Request Nos. 1-14 concerning Exhibit JFG-1 and JFG-3 containing the percentage of generation per pricing period, contract rate per pricing period and weighted average price.

Your justification for having the Commission handle this material as confidential is that the public disclosure of the information would compromise Kentucky Power's competitive position in the industry and result in an unfair commercial advantage to their competitors.

Based on a review of the information and pursuant to KRS 61.878 and 807 KAR 5:001, Section 7, the Commission has determined that the information you seek to keep confidential is of a proprietary nature, which if publicly disclosed would permit an unfair commercial advantage to Kentucky Power's competitors. Therefore, the information requested to be treated as confidential **meets the criteria for confidential protection** 



Mr. Overstreet March 18, 2010 Page 2

and will be maintained as a nonpublic part of the Commission's file in this case. The procedure for usage of confidential materials during formal proceedings may be found at Section 7(8) of 807 KAR 5:001.

If the information becomes publicly available or no longer warrants confidential treatment, Kentucky Power Company is required by Section 8(9)(a) of 807 KAR 5:001 to inform the Commission so that the information may be placed in the public record.

Sincerely,

Derouen

Executive Director

kg/

cc: Parties of Record